

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT CINCINNATI**

**Larry J. Edwards,  
Plaintiff**

**-vs-**

**Case No. C-1-01-218**

**Anthony Brigano,  
Defendant**

**JUDGMENT**

**Jury Verdict.** This action came before the Court for a trial by jury. The issues have been tried and the jury has rendered its verdict.

**X Decision by Court.** This action came to trial or hearing before the Court. The issues have been tried or heard and a decision has been rendered.

**IT IS ORDERED AND ADJUDGED that:**

The Report & Recommendation is ADOPTED in toto. Petitioner's petition for writ of habeas corpus is DENIED with prejudice. The Court hereby **CERTIFIES** the appealability of the dismissal of grounds two through seven of the petition because "jurists of reason would find it debatable whether this Court is correct in its procedural rulings" that these claims have been waived and whether the second through seventh grounds constitute viable constitutional claims. See Slack v. McDaniel, 529 U.S. 473, 484-85 (2000). A certificate of appealability shall not issue with respect to the dismissal on the merits of Petitioner's claim for relief alleged as ground one of the petition because Petitioner has failed to make a substantial showing of the denial of a constitutional right that is remediable in this proceeding. See 28 U.S.C. § 2253(c); Fed. R. App. P. 22(b). Petitioner has not shown that reasonable jurists could debate whether the claim alleged as ground one should have been resolved in a different manner or that the issue presented was "adequate to deserve encouragement to proceed further." Miller-El v. Cockrell, \_\_ U.S. \_\_, 123 S.Ct. 1029, 1034, 1039-40 (2003)(quoting Slack, 529 U.S. at 483-840)(in turn quoting Barefoot v. Estelle, 463 U.S. 880, 893 n.4 (1983)). The Court further **CERTIFIES**, pursuant to 28 U.S.C. § 1915(a)(3), that an appeal of this Order would be taken in good faith and therefore **GRANTS** Petitioner leave to appeal *in forma pauperis* upon a showing of financial

Date: December 19, 2003

James Bonini, Clerk

By: s/Mary C. Brown  
Mary C. Brown, Deputy Clerk